

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
  )           CRIMINAL NO. 05-10145-NG  
  )  
MICHAEL FOWLER                                )

MOTION TO APPOINT COUNSEL AND  
TO RESET PLEA AND SENTENCING HEARING

Defendant, Michael Fowler, respectfully moves that this Court appoint the Federal Defender Office through undersigned as counsel to represent him in all further proceedings in connection with this case. If the Court is inclined to appoint counsel, defendant further moves that the Court set the plea and sentencing hearing date, presently in abeyance, to November 8, 2007 or as soon thereafter as is convenient to the Court. As support of this motion, defendant states the following:

1. Fowler has proceeded pro se in this matter since the transfer of this case from the District of Maine, as well as in the companion matter of United States v. Michael Fowler, Criminal No. 04-10308-JLT, before Judge Tauro.
2. Fowler, in his pro se capacity, negotiated a plea agreement with the government to dispose of both this and the Judge Tauro matter. He subsequently pled guilty before Judge Tauro in No. 04-10308-JLT on May 17, 2006. Shortly thereafter, the Probation Department interviewed Fowler and prepared a draft Presentence Reports for both Judge Tauro and this Court.
3. Fowler, in his pro se capacity, has since struggled to compose objections to the Presentence Reports. Judge Tauro granted a number of continuances for him to do so; the most recent grant was on July 10, 2007. In granting Fowler's request for a further continuance at

that hearing, Judge Tauro set a deadline of August 3, 2007 for the submission of his objections.

4. Fowler recently informed undersigned counsel that he wished to revoke his previous request to proceed pro se and to have undersigned counsel represent him for all further proceedings in both No. 04-10308-JLT and this matter.
5. Undersigned counsel has requested a continuance of the sentencing hearing in Judge Tauro's case until November 8, 2007. This matter may be expeditiously disposed of once defendant is sentenced by Judge Tauro because the plea agreement negotiated by Fowler anticipates a joint recommendation of a concurrent sentence in this case.
6. The government assents to this Motion.

Wherefore, defendant requests that the Court appoint the Federal Defender Office and the undersigned to represent defendant for further proceedings in this case, and that the Court continue the plea and sentencing hearing until November 8, 2007.

MICHAEL FOWLER,  
By His Attorney:

/s/ Timothy Watkins  
Timothy Watkins  
B.B.O. #567992  
Federal Defender Office  
408 Atlantic Ave. Third Floor  
Boston, MA 02110  
(617) 223-8061

CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), as well as to United States Probation Officer Jennifer Sinclair by electronic mail and Michael Fowler by first class mail, on August 17, 2007.

/s/ Timothy G. Watkins  
Timothy G. Watkins